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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,034	03/15/2001	Tadoru Tomiyasu		4890

7590 03/26/2003

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EXAMINER	
COLE, ELIZABETH M	
ART UNIT	**PAPER NUMBER**
1771	7

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-7

Office Action Summary	Application No.	Applicant(s)	
	09/808,034	TOMIYASU ET AL.	
	Examiner	Art Unit	
	Elizabeth M Cole	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 January 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-5, 7, 9-11, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell et al, U.S. Patent No. 3,842,437. Campbell et al discloses a strip comprising two types of warp threads which are interwoven with a weft thread in a leno weave. The weft yarn may comprise a polyester yarn. The edges of the strip may be smoothly woven. Since Campbell et al discloses the claimed structure, the Campbell et al strip would inherently function as an anti-slip strip, as well as form a plurality of spaced apart nubs. Campbell teaches that the strip does not shift in use. See col 5, lines 5-10. One of the warp yarns may comprise a wrapped spandex, (i.e. polyurethane), yarn. See col. 2, lines 25-35 and 42-44; col. 3, lines 20-25 and lines 63-65; col. 4, lines 47-61.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2, 8, 12, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al, U.S. Patent No. 3,842,437. Campbell discloses a strip as set forth above

Campbell et al differs from the claimed invention because Campbell et al does not teach employing a bare polyurethane as one of the two warp yarns. However, it would have been obvious to have employed a bare polyurethane as the second of the warp yarns because the use of bare polyurethane yarns would further enhance the stretch of the strip without adding excess bulk. With regard to the particular type of polyester yarn claimed in the edge portions in claim 9, Campbell teaches employing texturized polyester yarns, which presumably would correspond to woolie polyester. It would have been obvious to also incorporate polyester monofilaments and other polyester filaments since all of these types of polyesters filaments are well known in the art as being useful for forming garments and garment trimming. With regard to claims 15-16, Campbell does not disclose the particularly claimed garments, however, Campbell does teach employing the strips on garments to keep them from rolling and bunching. Therefore, it would have been obvious to have employed the strips on various garments, motivated by the expectation that the strips would prevent or minimize slipping, rolling and bunching of the garments.

5. Claims 5-6, 13-14, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al as applied to claims 1-5, 7-11, 13 above, and further in view of Yabu, U.S. Patent No. 4,507,343. Campbell teaches employing a leno weave which comprises two different warp threads and a weft thread, so presumably the strip of Campbell would inherently possess an antislip property. Yabu teaches that leno weaves may be formed so that they comprise a pile surface which corresponds to the claimed nubs. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the leno weave disclosed by

Yabu in the strip of Campbell in order to further enhance the non-slip properties of the strip. Campbell does not disclose the particularly claimed garments, however, Campbell does teach employing the strips on garments to keep them from rolling and bunching. Therefore, it would have been obvious to have employed the strips on various garments, motivated by the expectation that the strips would prevent or minimize slipping, rolling and bunching of the garments.

6. Applicant's arguments filed 1/29/03 have been fully considered but they are not persuasive.

With regard to the 102(b) rejection over Campbell, Applicant argues that the Campbell reference does not teach a roughened or irregular surface. However, since the Campbell reference teaches a leno weave formed from two different warp yarns, which is the claimed structure, the Campbell structure would have to be the same as the claimed structure. Additionally, it is noted that Campbell employs the leno weave strips for the same reason as Applicant, to keep garments from slipping.

With regard to the Yabu reference, Applicant asserts that it is not clear that the pile of Yabu would be the same as the claimed "nubs". However, "nubs" are protuberances. The pile surface of Yabu is comprised of a plurality of protuberances. Therefore, the "nubs" of Yabu correspond to the pile surface of Yabu.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (703) 308-0037. The examiner may be reached between 6:30 AM and 5:00 PM Monday through Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (703) 308-2414.

Inquiries of a general nature may be directed to the Group Receptionist whose telephone number is (703) 308-0661.

The fax number for official faxes is (703) 872-9310. The fax number for official after final faxes is (703) 872-9311. The fax number for unofficial faxes is (703) 305-5436.

Elizabeth M. Cole
Primary Examiner
Art Unit 1771

e.m.c
March 24, 2003